

APPEAL NO. 030392
FILED MARCH 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 8, 2003. With respect to the disputed issues before her, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury to his cervical spine on _____, and thus did not have disability as a result of the alleged injury. The claimant appeals on sufficiency of the evidence grounds. The respondent (carrier) responds, urging that the hearing officer be affirmed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____, and thus had no disability as a result of the alleged injury. The claimant testified that he injured his cervical spine when he hit a very large pothole while driving a truck for the employer. The claimant further contends that he had disability from April 24 through May 31, 2002. The medical records introduced are contradictory with respect to the cause and/or nature of the claimant's neck injury. The carrier argued that the evidence did not support that an injury had occurred at work, if at all. Under the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was acting within her province as the fact finder in resolving the evidence in favor of the carrier and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge